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*\*Pro hac vice*

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER MARINO, and on behalf  
of those similarly situated,

Plaintiff,

v.

YUMMYEARTH, INC.,

Defendant.

CASE NO. 3:22-cv-02739-VC

**DECLARATION OF STEFFAN T.  
KEETON IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION FOR  
SANCTIONS**

Date: September 14, 2023

Time: 10:00 AM

Courtroom: 4

The Honorable Vince Chhabria

I, Steffan T. Keeton, declare:

1. I represent Plaintiff Jennifer Marino ("Marino"). I make this declaration based on personal knowledge. If called as a witness, I could and would testify competently to the facts stated herein.
2. On May 1, 2023, defense counsel requested for Plaintiff's deposition to occur remotely on

- 1 May 30, 2023 and provided a notice for this date. If that date did not work, defense counsel  
2 was open to scheduling a reasonable alternative.
- 3 3. On May 8, 2023, after various dates were discussed, an agreement was reached for  
4 Plaintiff's deposition to occur remotely on June 6, 2023. The deposition was re-noticed for  
5 this new date and scheduled to be conducted remotely.
- 6 4. On June 5, 2023, less than 24 hours before the deposition was to commence, Defendant  
7 unilaterally canceled Plaintiff's deposition and required that it now occur in-person at  
8 defense counsel's San Francisco office.
- 9 5. At the time of Defendant's eleventh-hour cancelation, Plaintiff was no longer living in  
10 California. Instead, she was living in Massachusetts.
- 11 6. In order to attempt to resolve this issue as well as other outstanding discovery issues with  
12 Defendant's responses to written discovery, I sent lead counsel Attorney Borden an email  
13 seeking to discuss these disputes in any attempt to resolve them.
- 14 7. Without replying to this email, Attorney Borden filed the sanctions motions 34 minutes  
15 later.
- 16 8. Prior to the filing of Defendant's sanctions motion, I never met with any member of  
17 defense counsel's firm.
- 18 9. Prior to the filing of Defendant's sanctions motion, I never participated in a  
19 videoconference with any member of defense counsel's firm.
- 20 10. Prior to the filing of Defendant's sanctions motion, I never participated in a teleconference  
21 with any member of defense counsel's firm.
- 22 11. Attached as **Exhibits A-E** are true and correct copies of the email correspondence  
23 discussed in Paragraphs 2-4, and 6 above.
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1 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
2 knowledge.

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4 Dated: August 9, 2023

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7 Steffan T. Keeton  
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